UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
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RICHARD KEARNEY,

                            Plaintiff,

                                                9:11-CV-1281
v.                                              (GTS/TWD)

N.Y.S. D.O.C.S.; and DR. KARANDY, Facility
Health Servs. Dir., Great Meadow Corr. Facility,

                            Defendants.

_____

APPEARANCES:                                OF COUNSEL:

RICHARD KEARNEY, 03-A-4948
  Plaintiff, *Pro Se*
Green Haven Correctional Facility
P.O. Box 4000
Stormville, New York 12582

HON. ERIC T. SCHNEIDERMAN               C. HARRIS DAGUE, ESQ.
Attorney General for the State of New York      Assistant Attorney General
  Counsel for Defendants
The Capitol
Albany, New York 12224

GLENN T. SUDDABY, United States District Judge

## DECISION and ORDER

Currently before the Court, in this *pro se* prisoner civil rights action filed by Richard

Kearney ("Plaintiff") against the above-captioned entity and individual ("Defendants"), are (1)

Defendants' motion for summary judgment, (2) United States Magistrate Judge Therese Wiley

Dancks' Report-Recommendation recommending that Defendants' motion be granted, and (3)

Plaintiff's Objection to the Report-Recommendation. (Dkt. Nos. 27, 37, 38.) After carefully

reviewing the relevant filings in this action, the Court can find no error in the Report-

Recommendation, clear or otherwise: Magistrate Judge Dancks employed the proper standards,

accurately recited the facts, and reasonably applied the law to those facts.  As a result, the Court

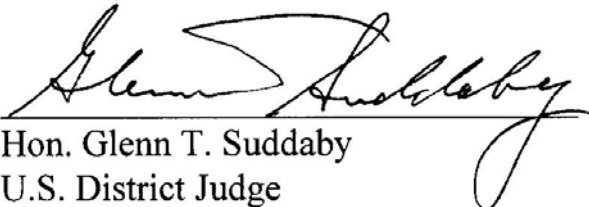accepts and adopts the Report-Recommendation for the reasons stated therein.  (Dkt. No. 37.)

**ACCORDINGLY**, it is

**ORDERED** that Magistrate Judge Dancks' Report-Recommendation (Dkt. No. 37) is

**<u>ACCEPTED</u>** and **<u>ADOPTED</u>** in its entirety; and it is further

**ORDERED** that Defendants' motion for summary judgment (Dkt. No. 27) is

**<u>GRANTED</u>** in its entirety; and it is further

**ORDERED** that Plaintiff's Complaint (Dkt. No. 1) is **<u>DISMISSED</u>**. The Clerk is

directed to enter judgment in favor of the defendants and close this case.

Dated: September 27, 2013
       Syracuse, New York

Hon. Glenn T. Suddaby
U.S. District Judge